#### FLATHEAD COUNTY PLANNING BOARD MINUTES OF THE MEETING MAY 21, 2008

#### **CALL TO ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Marc Pitman, Mike Mower, Gordon Cross, Randy Toavs, Frank DeKort, Rita Hall, and Jim Heim. Gene Dziza was absent. Dianna Broadie and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 33 people in the audience.

### APPROVAL OF MINUTES

The board members had not received the correct copies of the minutes. Therefore, the board will approve the February 13, 2008 and April 9, 2008 meeting minutes at the next regularly scheduled meeting.

#### PUBLIC COMMENT (not related to agenda items)

Denise Smith, Executive Director of Flathead Business and Industries Association, 1103 S Main, referenced the text amendment regarding the Whitefish doughnut area on tonight's agenda under old business. Her association sent out ballots to every lot owner within the doughnut and has received to date over 800 ballots back. That does not include emails and phone calls. Of those, over 90% have come back asking to go back to Flathead County rule. The reasoning primarily is to be able to have the ability to vote for those individuals who govern them. She came before the board on behalf of those individuals, requesting the board expedite the process for the landowners and make the timeline as short as possible.

Cross reiterated that approximately 18% of the ballots had come back and of those 90% were in favor of going back to Flathead County rules.

George Culpepper Jr., NW Montana Association of Realtors, 110 Cooperative Way, was there representing the association to request the same thing the previous speaker said, which was to move the text amendment along as quickly as possible. If every property was sold today it would be valued at over ¾ of a billion dollars for the homeowners and owners of real estate within the two mile doughnut area. That is a huge amount of revenue at stake, not for the association members but for the homeowners and commercial owners in the area. He stated the board had a large task ahead of them for the next few months and he commented they would need a larger venue for the meeting regarding this issue. The association will monitor it closely and offer their position where it needs to be with how it affects the homeowners.

Cross clarified for the public why the discussion regarding the growth policy text amendment is under 'old business' and not an agenda item.

#### MOUNTAIN VIEW RV PARK (FPP 08-01)

A request by Mountain View R.V. Park LLC for Preliminary Plat approval of Mountain View R.V. Park, a 46 space R.V. Park on approximately 5 acres. Lots in the subdivision are proposed to have multiple-user water and sewer systems. The property is located at 3621 Highway 40 W and can legally be described as Tracts 3FA and 7BBA in Section 10, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

#### STAFF REPORT

Jeff Harris reviewed Staff Report FPP 08-01, on behalf of Alex Hogle who was absent, for the Board

#### BOARD QUESTIONS

Cross asked about the letter written by a neighbor that had three concerns. He wanted to know if there was normally anything that would preclude them from renting for various lengths of time. He was not aware of the county having any control over the length of term for a rental.

Harris stated it is in an unzoned area, although within the Scenic Corridor, which regulates signage. The county has no control over length of time for a rental.

Cross stated he didn't see drainage addressed anywhere in the application and he didn't see it anywhere in the staff report that addressed that concern.

Harris said the drainage would be addressed at the DEQ review.

The board and staff discussed the storm-water drainage plan and whether or not the winter months should be included in the calculations.

Hickey wondered if the state asks if it's seasonal or non-seasonal, so how often is that updated for their license. The report stated it is open through October. Are the applicants renewing that every year?

Harris said he doesn't believe they do. Certainly the board should consider the option as a condition.

Hickey asked about condition #9 stating preliminary plat approval is valid for three years. She wanted to know if they would have another three years if the proposal were approved by the commissioners.

Harris explained that essentially what happened was they did not meet our regulations or the statutory timelines between preliminary plat approval and final plat approval. Essentially the entire application file went away. This is a new application and they are starting the process entirely fresh. The board should view it as a preliminary plat and they have three years to provide the revised preliminary plat to satisfy all of the conditions. If they fail to do that they would be dead filed.

Cross wondered does it make sense to give them another three years as it's already there.

Harris stated he would presume it would depend on where you would want the access easement. Statutorily they have three years; we can't require less than three. It would be to their advantage to work out an agreement with the neighbor and submit a revised preliminary plat as soon as possible. They don't have to wait three years, as long as they show us they have satisfied the conditions.

## APPLICANT PRESENTATION

Ryan Jones of APEC, represented the applicant. He believed the staff report spoke well of how they got to this point. He wanted to touch on the neighbor comments and passed out supplemental information he brought for board members. He spoke about the access issue in regards to the neighbors to the west. It was stated in a letter dated March 17, 2008, from the Jays to the Larsen's, outlining the conditions they would like to see met for a shared driveway easement. The plat shows an existing 20 foot shared access and to the west of that you'll see the hatch the Jays have proposed to the Larsen's. Essentially what they want to propose was to extend an easement to include the existing travel-way for emergency vehicle/access purposes. In turn the Larsen's would pay for the surveyor to come out to resolve the issue. Also you'll find in a letter dated March 6, 2008, to Alex Hogle of the Flathead County Planning & Zoning Office, which served as an addendum to the application essentially reflecting conditions outlining the March 17, 2008 letter. You'll also find a letter dated May 7, 2008, to the Jays, informing them that they find the conditions outlined in their letter agreeable and they would like to work with them to move forward to resolve the issue. He believed correspondence showed both parties seemed amenable to this agreement. He spoke of the storm water drainage issue and said the issue was not created by the R.V. park, but rather an unnatural low point on the property. You'll see ponding throughout the property created by the grading on that particular site. There essentially is no overland flow or surface flow or discharge from Mountain View R.C. Park. DEQ does not look at this seasonal but rather a storm event. The applicants have not revisited the issue because as far as the states concerned there is no need to do so. He gave some statistics regarding the storm water drainage and reiterated they have not revisited the issue since the state approved the site.

Toavs asked if any fill had been brought in to make it higher than the other piece of property.

Jones said there was no fill brought in to the site. This is the natural grade. Everything was graded toward the highway swells. It's obvious to see the site to the east was lower at some point in time from the natural grade. All of the land surrounding the property is higher. Regardless of what's next to it to the west they are going to have storm-

water issues.

Toavs stated it doesn't look like a very natural line.

Cross asked about the fencing stating it shows on the drawing a six foot fence but in fact it is only four feet tall.

Jones stated the height of the fence was not a condition with the original submittal. Per the survey of October 20, 2007, they found the fence to be half a foot on the Larson's property. There is a walkway in the fence and they applicant can make the fence continuous the whole way along. There was also an issue with the placement of the septic tank and again according to the survey as of October 20, 2007, show the edge of the septic tank more than exceeds the ten foot setback.

#### AGENCY COMMENT

None.

## PUBLIC COMMENT

<u>Jay Larsen</u>, 228 W 8<sup>th</sup> Street in Whitefish, clarified for the board the emergency access Harris pointed out is not an emergency access. He had been talking with the Jays and tried to make it very clear that the only place there would be an emergency access is within the easement. The existing easement north of that would have no emergency access it would be primarily for equipment coming in and out of there.

Catherine Price, the adjoining property owner to the east, referenced her letter and spoke of her concerns regarding seasonal use. They have been open year round. She showed pictures of the property and stated she wasn't anticipating a permanent trailer park and didn't feel the state was aware of it either. She spoke about a drain culvert and the issues regarding drainage onto her property. She said they have had issues with the fence and neighbors trespassing onto her property. She commented that WMW Engineering was the original engineer, not APEC and she said they brought fill onto the property.

## APPLICANT REBUTTAL

Jones stated that APEC was not the original engineers for this proposal and when APEC asked the applicant if any fill had been brought in they were told no. He agreed there were storm water issues on the property but were in fact due to existing onsite conditions. He spoke of the calculations for the storm event and said the report was approved by the state DEQ. He said it was the owner's intent to fix the fence. The fence varies from four feet to six feet in height. He said he walked the site with planning staff and they did not see any issues.

Cross asked if Jones was aware of a previous drainage culvert.

Larry Larsen, the applicant, said he came home from fishing one day and there was a culvert lying across his property. He moved it so he could start excavating. He said there were no agreements regarding the placement of the culvert.

Cross asked about the seasonal operation of the R.V. park. Was it initially intended to be seasonal and then moved to be a year round operation.

Larsen said they were going to try to run it seasonally but it turned into so much money it wasn't feasible. There are just a few borders during the winter because they have no place to live except in their camper. Nobody is there permanently. If they are there in the winter some of them do put some skirting around their camper just to keep the pipes from freezing.

Cross said he noticed kennels and felt the neighbor had a legitimate concern regarding the disposal of the waste from those.

Larsen said he spoke with them about the issue and those people are due to leave soon.

Mower asked about the six foot fence issue.

Larsen stated that at the original meeting with the county commissioners they talked the commissioners into the four foot fence due to the wildlife being able to jump the fence. The smaller animals are able to crawl under due to some small dips at the base of the fence.

#### STAFF REBUTTAL

Harris stated that staff was crafting a few extra conditions the board might want to consider based on public comment.

#### BOARD DISCUSSION

Toavs asked staff about the storm water drainage issue being seasonal. He wanted to know if there was a difference if the facility were run year round.

Harris stated not to his knowledge. It's based on a certain storm frequency; it's almost a hypothetical storm that they apply to the site.

Hickey-Au Claire asked if this is the first time an applicant has not come in with the final plat prior to it expiring.

Harris said it was the second time since he's been here.

Hickey-Au Claire asked that in the future is there a plan or a procedure, or are there repercussions if an applicant doesn't file for final plat and goes ahead and builds it anyway.

Harris said the repercussions could be that they tear out the development because it is not approved land use from the county. That's certainly an option. In this case, if it goes through the process and the board denies it, and the commission denies it, then the

applicant would be asked to remove the entire facility with the exception of the home.

Hickey-Au Claire asked if it slipped through the cracks because of the applicant or the planning office.

Harris stated that it's the applicant's obligation to meet the statutory deadlines. It is not the county's responsibility. They obviously knew the timeline expired because they asked for and were granted a one year extension. They still did not file for final plat within that one year extension, so at that point the application would be dead-filed. We probably see maybe two or three every couple of months that had made it through the process but had never gone to final plat.

#### MOTION TO ACCEPT FINDINGS-OF-FACT

DeKort made a motion seconded by Heim to adopt staff report FPP 08-01 as findings-of-fact.

#### SUBSIDIARY MOTION (Add Finding-of-Fact #12)

Toavs made a motion seconded by DeKort to add Finding-of-Fact #12 to read: According to the plat, and testimony from the original public hearing, a six foot fence was to be constructed but only a four foot fence is there.

#### BOARD DISCUSSION

The board discussed the fence height.

#### ROLL CALL SUBSIDIARY MOTION (Add Finding-of-Fact #12)

On a roll call vote the motion passed unanimously.

#### SUBSIDIARY MOTION (Add Finding-of-Fact #13)

Hall made a motion seconded by Hickey-Au Claire to add Finding-of-Fact #13 to read: *The subject property is currently renting spaces on a year round basis.* 

#### ROLL CALL SUBSIDIARY MOTION (Add Finding-of-Fact #13)

On a roll call vote the motion passed unanimously.

#### SUBSIDIARY MOTION (Add Finding-of-Fact #14)

Toavs made a motion seconded by Hickey-Au Claire to add Finding-of-Fact #14 to read: According to the Engineer's drainage calculations, no consideration to winter months use were used. It is apparent that the lots are occupied in these months. It appears to be more of a grading issue on the properties involved.

ROLL CALL SUBSIDIARY MOTION (Add Finding-of-Fact #14)

On a roll call vote the motion passed unanimously.

ROLL CALL TO ACCEPT FINDINGS-OF-FACT On a roll call vote the motion passed unanimously.

MOTION TO RECOMMEND APPROVAL Hall made a motion seconded by Hickey-AuClaire to recommend approval of staff report FPP 08-01 to the Flathead County Commissioners.

BOARD DISCUSSION

Cross asked staff what areas they were crafting conditions on for the board to consider.

Harris replied the first one would add a condition to the unique conditions regarding the fence. The next one is in regards to the dog kennels and the last one would be regarding a re-submittal of the storm-water drainage plan to DEQ.

SUBSIDIARY MOTION (Add condition #15) Toavs made a motion seconded by DeKort to add condition #15 to read: The perimeter fence shall be no less than six feet in height and continuous to the ground.

ROLL CALL SUBSIDIARY MOTION (Add Condition #15) On a roll call vote the motion passed unanimously.

SUBSIDIARY MOTION (Add sentence to condition #10) Hickey-Au Claire made a motion seconded by Hall to add a sentence to condition #10 to read: A road users agreement shall be entered into between the parties that share the easement.

ROLL CALL SUBSIDIARY MOTION (Add sentence to condition #10) On a roll call vote the motion passed 6-1 with Mower dissenting.

BOARD DISCUSSION Harris read a condition for the board to consider. The condition read: The applicant shall remove all dogs and pet kennels from the site prior to submitting the revised preliminary plat application.

Cross asked if that was because Harris saw those as a nuisance or is

that something that's not a compatible use.

Harris said it's more of a nuisance issue and if the board wanted to consider that condition they could condition it if they feel that the testimony from the neighbor has merit. He said the board doesn't have to consider the condition; he drafted it in the event the board wanted to consider it.

Heim said it seemed like the kennels would be a good thing rather than let the dogs run loose.

The board members agreed.

#### SUBSIDIARY MOTION (Add condition #16)

DeKort made a motion seconded by Hall to add condition #16 to read: The applicant shall resubmit a storm-water drainage plan which demonstrates that no drainage adversely affects adjacent properties to DEQ. DEQ shall approve the drainage plan.

## BOARD DISCUSSION

Toavs said he had that written down but had a little more at the end of it. He said he thought it should say that the plan should show that their project causes no new water collection to adjoining properties as built.

Cross said he felt if they were going to resubmit they shouldn't have a problem with that condition because the old drainage calculations said there had never been any runoff from this property or will there be after the R.V. park is developed. So if those figures are good there shouldn't be a problem for them to meet and if they can't meet it then there is a legitimate beef by the neighbors.

Hall commented that it seemed like the board had a lot of cleanup to do, that this proposal has a lot of imperfections for the commissioners and it seemed to her the applicants had a lot of stuff to do before the proposal is ready to be sent to the commissioners.

Cross stated that's true but typically there is a lot of stuff to do because it hasn't been done yet. Normally, the subdivision isn't on the ground yet and everything is to be done. In this case it is already on the ground. It's really only the resubmittal of the DEQ as well as the fence issue.

#### ROLL CALL SUBSIDIARY MOTION (Add condition #16)

On a roll call vote the motion passed unanimously.

#### ROLL CALL TO RECOMMEND APPROVAL

On a roll call vote the motion passed unanimously.

#### MARION MOBILE COURT (FPP-08-04)

A request by Murphy & Michelle Wagar for Preliminary Plat approval of Marion Mobile Court, a 24 lot subdivision (22 mobile home spaces and 2 commercial lots) on 18.663 acres. Lots in the subdivision are proposed to have public water and multiple-user sewer systems. The property is located at 8315 US Highway 2 West in Marion and can legally be described as Tract 3F in Section 14, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana.

#### STAFF REPORT

Dianna Broadie reviewed Staff Report FPP 08-04 for the Board.

#### BOARD QUESTIONS

Heim asked about the shared access and whether there had been an agreement between the neighbors or was that something that just had to be done.

Broadie stated the owner is the same one that owns the lot being proposed for development, but they would still need to work out an agreement with the other remaining owners.

DeKort asked about the parkland requirements and would they change because of lot sizes.

Broadie said they are in excess no matter what. The parkland might even be reduced with new calculations.

Cross asked if staff was okay with the language requiring county standards for the roads.

Broadie stated staff would use the county standard condition for that requirement.

Heim asked if the county health department had approved the septic and drain-field arrangement.

Broadie stated that would come later.

## APPLICANT PRESENTATION

Dick Smith, Smith Surveying, and Jeff Walla of Stelling Engineers represented the applicant. Smith said staff covered most of what he was going to say. They are proposing two commercial lots which would have landscape buffers. The commercial lots would provide localized services with no highway access. Mobile park amenities would be large open tracts with landscape buffers all around the perimeter of the subdivision. They believed this would provide affordable housing options in the Marion area. He spoke of roads and the secondary access being an emergency access only and could also be an emergency access for Top of the Hill Subdivision as well. His response to the public issues were as follows: there is a 25 foot strip set aside along the highway right-of-way to allow for future expansion as required by MDT; septic systems would be reviewed by DEQ and also the septic areas had already been laid out by the engineer; landscape

buffers will be re-planted to provide more screening than is currently there; he spoke of the water wells and the fact they spoke with Glen Gray in the health department and he agreed it was a doable project.

#### BOARD QUESTIONS

Pitman asked what the estimate for the water use would be.

Jeff Walla, Stelling Engineers, stated the estimated was based on 22 residences with two and a half people per residence using 100 gallons per day; 5500 gallons per day total which is just for the average residential demand. They also did a fixture type of estimate for the two commercial lots and added those into it. That ended up adding another 1688 gallons per day. Total water use at peak flow would be approximately 40 gal per minute. They did not anticipate irrigation systems as it would probably be sprinkler systems. This would be a new public water supply.

Pitman asked how many lots Country Bourne Estates had and how far from the public water supply they are.

Mower stated they are all good wells.

Walla said Country Bourne Estates has 34 lots and pointed out on the map how far away from the public system they would be.

Cross asked how it works in terms of the trailer court. Does the applicant end up putting in all the pads and the septic systems or is that the responsibility of the individual who would be renting the space.

Walla said there would be service hookups at each of the sites. Essentially the renters would come in and have locations to hook up to. It is the responsibility of the court owner that they maintain the grounds and there would probably be some sort of lease agreements with the responsibility of the tenants. All local services will be provided for them but they will have to make all their own hook-ups though.

Cross commented that all shared services would be installed prior to final plat. He asked about the natural buffer being removed.

Smith said that was an unfortunate miscommunication between the applicant and consultants.

Cross commented the intent was to clear cut all along.

Smith said yes, the Lodgepole Pines would not have provided a lot of buffer but the landscape plan will be much better.

#### AGENCY COMMENT

James Brower, Fire Chief for the Marion Fire District, stated he reviewed the proposed subdivision and was favorable of the second egress off of Bailey Circle for emergency purposes. Under the fire subdivision regulation, he and the developers have come to an agreement on a water source. Regarding the ground cover, he would prefer they be kept to a minimum. He would prefer nice, clean cut grass and standing trees here and there. He spoke of the subdivision being affordable housing and having the possibility of volunteers for emergency services. He commented that as long as everything is done properly He would be in favor of the project.

## PUBLIC COMMENT

Daniel Macfarlane, spoke on behalf of his son Kurt Macfarlane, 104 Baily Circle, referenced a letter from his son giving him power of attorney. They are concerned about the water supply and the roads. He felt not putting in a cul-de-sac is in violation of the zoning and subdivision ordinances which says you are trying to separate different sections or uses of property. What this proposal is doing is linking a high density with a low density subdivision. He spoke of the logging and endangered species. He commented they have good intensions regarding landscaping but those are the four major objections they have. He agreed with the Fire Chief and stated he needs as little ground cover as possible for fire prevention. He spoke of the property being unzoned and wondered if an environmental report been submitted.

Harris spoke of the environmental assessment required for a major subdivision in Montana vs. an Environmental Impact Report for California. He clarified the differences.

<u>Macfarlane</u> commented that even Montana cannot violate federal law. He reiterated the property owners need to be informed of the certain items available to the public. He spoke of the subdivision laws and was concerned about the applicants not doing all the studies required by law. He spoke of water storage and was concerned about fire suppression.

Brian Zietz, 108 Baily Circle, stated his main concerned was about the secondary access. He spoke about a mobile home property not being a desirable situation. He stated his questions had been answered regarding the well. He protests the desire for a secondary access.

Bill Geisse, 30 Kelly Court, spoke in support of the subdivision and stated why he felt affordable housing in the Marion area would be good for the community. This subdivision would help meet that need in the area. This is not a large subdivision and the infrastructure can definitely handle the traffic load. The Fire Chief has had his concerns addressed as well. School is within walking distance. He would prefer a developed manufactured housing park over the helter-skelter placing of mobile homes in the Marion area. He felt the developer being

responsible for maintaining the property will make it an asset to the community. The developers worked very hard with staff to make this plan a workable plan and he felt the developer was concerned about wanting this project to be an asset to the community. He felt the primary objection to this subdivision is nimby (not in my backyard). He asked people in the audience to stand if they were in support.

<u>Charles Lapp</u>, 3230 Columbia Falls Stage Road, commented about the access roads into other subdivisions. He felt it was a good idea and said it needs to be somewhere in the subdivision process to where it is very clear where the access roads are going to be. It's been determined connectivity through these subdivisions are important. He spoke of other communities around the valley and stated the first homes there were mobile homes and this is the first step in the growth process. He felt this proposal was a very good idea and gives people the opportunity to get something affordable.

### APPLICANT REBUTTAL

Smith commented about Macfarlane's concerns. As far as degradation in the water supply, their plans will be reviewed by DEQ and they will not allow any degradation to take place. He wanted to stress that the emergency road access is for that purpose only and not to be used for common ingress and egress types of usage. They felt this proposal provides a buffer area between the lower density lots, the highway corridor, the gravel pit and the solid waste collection site across the highway. The clear cutting, although not anticipated, needs to be taken into consideration the development of the trailer court, the installation of the drain fields, providing defensible space around the living units and providing room to move mobile homes in and out, would have required removal of most of the trees. The mention of the cul-de-sac he thought was a good idea and they would be amenable to providing that in addition to the through road.

Walla clarified ground water depth and the calculations they used. He also stated the calculations were in regards to modular homes not single family residences. Regardless, they would still need to meet DEQ standards to put in the system. He spoke of fire suppression and a filling tank. He stated the concern for endangered species in the area was researched and they found nothing to indicate this project would be a threat to any species indigenous to the area.

Mower asked about the wells and water rights.

Walla said they had not gotten through that process yet.

#### STAFF REBUTTAL

Broadie addressed public concerns regarding water, tree removal and the issue regarding endangered species. She commented these issues that were raised seemed to not be a concern for the forest service or the fish and wildlife department as they did not send any comments to that effect. If they had been concerned, our office would have heard from them. She explained the difference between endangered species and species of concern.

She pointed out an error in the staff report but reiterated it was noticed properly for the public.

She asked the applicants about an alternate road and pointed out on a map her recommendation regarding that issue. She commented that a cul-de-sac would add additional pavement and additional impervious surface and she wasn't sure that would add anything to the design. The other alternative would be to add a crash gate and that would essentially make it an emergency access only.

#### BOARD QUESTIONS

Pitman asked about the emergency egress and the width being up to county standards.

Harris stated the width for an emergency access is 22 feet not 24 feet.

Cross asked about the easement through Top of the Hill Subdivision; does that currently exist.

Broadie said no. The easement is legally possible because he owns the lot.

Toavs asked if a crash gate were installed would that take care of the road user's agreement.

Harris stated you would need to have a road user's agreement even for an emergency access; unless you wanted them to construct the road to Bailey Circle and then put a crash gate on the property line. If they were to install a crash gate, they would definitely need to have an emergency turn-around.

The board and staff discussed the emergency turnaround, secondary access and a crash gate.

Broadie said a cul-de-sac would take out some of the parkland.

#### MOTION TO ACCEPT FINDINGS-OF-FACT

Toavs made a motion seconded by Hickey-Au Claire to adopt staff report FPP 08-04 as findings-of-fact.

#### BOARD DISCUSSION

Cross asked if the commercial lots would be buffered from the residential lots.

Broadie stated that didn't come up but the board could consider that. When you have lots created for lease or rent, it does address it there in the growth policy.

Cross asked if there were a finding that addressed issue of the easement going through the subdivision.

Broadie stated condition #17 addressed the Road Users Agreement, and Finding-of-Fact #20.

Hall asked about Finding-of-Fact #4 and the parkland dedication.

The board and staff discussed, at great length, the parkland dedication, the placement of the commercial lots and whether the parkland dedication met subdivision requirements.

Heim commented the proposal could be an evolution of a community. He spoke of the roads being connected and the sewer hookups. He thought maybe it's a subdivision regulation issue rather than something to be dealt with at this meeting, but if the little subdivisions evolve and become something bigger someday, they would all be isolated with their cul-de-sacs.

The board spoke of connectivity within subdivisions regarding roads.

#### ROLL CALL TO ACCEPT FINDINGS-OF-FACT

On a roll call vote the motion passed unanimously.

#### MOTION TO RECOMMEND APPROVAL

Heim made a motion seconded by Hickey-Au Claire to recommend approval of staff report FPP 08-04, as conditioned, to the Flathead County Commissioners.

#### SUBSIDARY MOTION (Add Condition )

Toavs made a motion seconded by Hickey-Au Claire to add a condition to read: The applicant shall install a minimum of five foot privacy fence from the southwest corner of space two in lot 3, around to the southeast corner of space 14 in lot 3.

## BOARD DISCUSSION

The board discussed having a five to six foot privacy fence around the perimeter of the subdivision rather than a 15 foot landscape buffer that might take away from lot owner's yards.

Cross said he was wrestling with the thought that a mobile home is lesser and it is some sort of discrimination that because it's a mobile home you need to put six-foot privacy fence around it and segregate it from the rest of the surrounding subdivisions. Landscaping treats it more like a subdivision and if you wanted to have more mobile home parks in the county, he doesn't think it's a good idea to put a fence around the perimeter. He thought landscaping was a better idea.

Toavs said it wasn't what he was getting at.

Mower commented that there are some very high end subdivisions going in around the valley with huge rock and concrete fences all around them. He didn't feel they were discriminating at all. He thought the fence would be preferable to a 15-foot landscaping buffer because the owner's going to have to maintain that and he would be walking in these people's backyards all the time if he does maintain it. He didn't know how you'd get something to grow unless you use the water from each lot to do it. He preferred a fence to the landscape buffer.

Pitman commented that Lodgepole Pine had been growing out there just fine without anybody watering them. He had seen other trees grow just fine, once they get started, without any form of watering. He thought you could have the landscape if they do it right and with the right plants. He didn't want to re-write the proposal. He felt if that is what the applicant wants then he is certain they could put it in. He also commented that if those rich communities want to put up a wall to keep people out; it's their choice. He doesn't like looking at the walls, he thinks they are ugly and in poor taste.

Hall agreed with Pitman. She didn't think they wanted to re-write the applicants plan. The proposal was for 15 feet of landscaping she thought that would be really cool. If they want to put a fence in there in addition to mark the boundaries that would be fine. She could see the beauty of having 15 feet of landscaping it would make this mobile home court all that more appealing. She felt this was a great project and the landscaping would only enhance it.

Toavs said they would probably put a fence up anyway to keep their pets and kids in their yard. He doesn't want a hodge-podge of different kinds of fencing outlining the mobile home park.

Mower gave an example as well.

Cross asked the developer what his intentions were.

Smith said they could give the developer the option of going either way and then they wouldn't be setting a precedent for future developments.

Toavs gave an example of a landscape buffer that looked awful as well.

Broadie stated staff would have to approve the landscape plan.

## ROLL CALL (Add Condition)

On a roll call vote the motion **failed** 4-4 with Cross, Hall, DeKort and Heim dissenting.

## BOARD DISCUSSION

Cross wondered if any members of the board had an interest in buffering commercial from residential. He stated the board doesn't often get commercial mixed with residential in the same subdivision and the subdivision regulations don't address the issue. He said they have no idea what sort of commercial it might be and he thought having a buffer between them would make sense.

Pitman said the developers suggested putting a cul-de-sac in the middle of the emergency egress road and wondered if the board should condition that.

Cross stated he had a problem with the connectivity. He was in favor of connectivity but when there isn't an easement to an adjoining piece of property, then you come back afterwards, he thought that was a real disservice to the other lot owners. Especially when they think they are buying into a five lot subdivision and then some year's later one lot owner creates 22 lots and potentially you could have a number of trips through there. He was in favor of the breakaway gate so it's there for emergency access but not for daily use. He thought that would solve the problem they heard from some of the public testimony. He agreed you would then need the cul-de-sac and the breakaway gate and then the requirements from the access can be reduced to gravel at 22 feet in width as opposed to 24 feet.

Broadie stated because it is such a short section of roadway, a hammerhead would at least retain as much of the park as possible and still probably meet fire and safety requirements; as opposed to a culde-sac, it does take less pavement.

Hickey-Au Claire asked what the zoning out there was.

It is unzoned, but lot 1 of Top of the Hill Subdivision is recorded as a commercial lot.

Cross asked if staff felt they would need to input a condition regarding a road user's agreement.

Broadie stated a road user's agreement was not necessarily an issue. However, part of Baily Circle would still need the easement. That's the issue with the legal easement. Part of the condition where staff talked about the road user's agreement also talked about an easement. That subdivision would have to grant an easement because otherwise the easement ends at Baily Circle and they have no legal access.

Cross commented it could turn along the property along lot one.

Broadie said that was correct. If they couldn't get the easement then they are back to square one for redesign. Broadie asked the board to give staff latitude to work with the applicant as far as the exact placement of a possible turnaround.

Harris commented in other words staff would rather see a cul-de-sac pushed back from the property line rather than right up to the property line.

#### SUBSIDIARY MOTION (Amend Condition #16)

Toavs made a motion seconded by Au Claire to amend condition #16 to add: The applicant has the option of installing a privacy fence in lieu of landscaping along the outer boundary of residential spaces.

# ROLL CALL SUBSIDIARY MOTION (Amend Condition #16)

On a roll call vote the motion passed 7-1 with DeKort dissenting.

#### SUBSIDIARY MOTION (Add Condition #20)

Toavs made a motion seconded by Pitman to add condition #20 to read: The revised preliminary plat shall show an approved turnaround adjacent to spaces 19 and 20. A crash gate shall be placed on the emergency access at the approved turnaround.

#### ROLL CALL SUBSIDIARY MOTION (Add Condition)

On a roll call vote the motion passed unanimously.

#### SUBSIDIARY MOTION (Amend Condition #17)

Toavs made a motion seconded by Hickey-Au Claire to amend condition #17 to read: With the application for final plat the applicant shall provide an access easement which shows legal access via an emergency road through Lot one of Top of the Hill Subdivision connecting to Highway 2.

#### ROLL CALL SUBSIDIARY MOTION (Amend Condition #17)

On a roll call vote the motion passed unanimously.

#### ROLL CALL TO RECOMMEND APPROVAL

On a roll call vote the motion passed unanimously.

## HP RANCH (FPP-08-10)

A request by James Robertson for Preliminary Plat approval of HP Ranch, a 2 lot subdivision on 6.446 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 6530 Farm to Market Road and can legally be described as Tract 6CA in Section 1, Township 30 North, Range 23 West, P.M.M., Flathead County, Montana.

#### STAFF REPORT

Dianna Broadie reviewed Staff Report FPP 08-10 for the Board.

#### BOARD QUESTIONS

DeKort asked about finding-of-fact #19. He stated the preliminary plat did not show a road.

Broadie stated the road was shown on some of the drawings that were submitted, it does exist but it's not shown on the preliminary plat. Staff is asking the applicant to reconfigure that. The applicant has

agreed to do so. She pointed out on the map where the road would exist and stated we could not legally have a lot created that is bisected by an easement. That is against the subdivision regulations. DeKort asked if there was a condition that reflects that finding.

Broadie said no but the board can add that condition.

Cross asked about compliance with the growth policy and suburban agriculture designation requiring a five acre minimum. It was his understanding there is no suburban agriculture designation that is less than five acres but they are creating one lot that is 3.3 acres. So they are creating a substandard lot. He also commented about the findings and conditions regarding flora and fauna being inconsistent.

Cross commented it struck him as odd that it was important in one area of the staff report and sort of downplayed in another.

Broadie stated she was thinking something but maybe didn't state it very clear. It's a little unclear where the driveways would be placed.

Mower had a problem with the density and stated there are mostly large lots around the proposal.

Broadie pointed out on the land use map and stated it is almost a mirror image of existing zoning.

Mower asked about the statistics, like how many over five acres. He said just looking at it looks like twenties and seventeen's. Most everything is over five or close to 4.9 except for a couple of little ones, there is one. There are mostly large lots and then when you look at the public comment and all the people that signed they say large lots. He didn't know what's large and what's small.

The board and staff discussed the new zoning district (Talley-Bissell) and how far away from this property that approved district would be from this proposal.

Broadie stated this proposal is closer to Whitefish where she commented there are starting to be little denser subdivisions.

Hall asked about finding-of-fact #3, talking about putting a comment on the final plat regarding the organic farm across the road, but yet on the last subdivision the board worked with they didn't put anything on the final plat regarding it was next to a gravel pit. She didn't see the rational.

Broadie stated staff is required statutorily to review the impacts on agriculture so they explicitly call that out.

## APPLICANT PRESENTATION

Sam Cordi, 974 Colorado Ave., was the surveyor representing the applicant. He spoke about the driveway issue and pointed the existing driveway out on the map. He commented the applicant doesn't have a problem getting rid of the driveway and accessing the property another way. It's not shown on the plat because they won't be using that access. He questioned whether or not they needed to apply for a variance regarding the road. He thought they met that with the new design.

Broadie said currently what is happening is that we require internal subdivision roads and we require a variance if you don't propose an internal subdivision road. We are in the middle of modifying that to come up with some criteria when we would allow a shared road access easement. Then it wouldn't be a variance, but right now we are kind of right in the middle and had to argue the variance criteria.

Cordi stated it was not in the conditions and that is why he asked. It is under the findings-of-fact but not in the conditions.

Broadie stated the condition is for a shared access easement as the applicant had it.

Cordi spoke about the lots not being subdivided any further and DEQ approval having a minimum of one acre with an onsite well and drain field. He stated they do their own DEQ submittal and it is almost impossible to get all that in one acre. There is no way there is going to be four one acre lots out there. Anymore you are looking at least at two acre lots to try and meet that DEQ approval.

#### BOARD QUESTIONS

Toavs asked if this was two separate tracts of land and where the access would be for the back property.

Cordi said yes, the applicant owns both of the tracts and showed the access points on the map. He clarified for the board how the tracts were subdivided by court order. It's a major subdivision not because of this split but because of everything that happened around it.

Broadie said it goes under major subdivision review due to how many times the tract had been divided before, making it a subsequent minor.

Cross asked if the applicant would have a problem with a condition requiring chip sealing.

Cordi said he had no problem with that nor would he have a problem with the no further subdivision condition.

DeKort asked about a road approach permit and the reasoning behind the two lot sizes; how they came up with that configuration. Cordi said he had started constructing the road and has an approach permit. He commented the lot sizes are just how the applicant wanted them. There is some existing fence and a small coral he pointed out on the map.

#### AGENCY COMMENT

None.

### PUBLIC COMMENT

Carol Adams, 6534 Farm to Market, adjoins the property and owns 11.6 acres. She stated the original piece of property was 11.9 acres. She stated he had split off five acres and now he is subdividing this part. She stated she doesn't know what his intentions are and he already has the approach done and perk tests up against her property. The road is built and done as well as a basement being poured. He has drilled a well and put in septic and this is well on its way. Everybody is really upset about it. She spoke of some history in the area including family transfers, wells and septic systems. He has already logged the area as well. Her concerns are paving, density and water. She hates to see it split up and with his history, he is not from here, he's going to do what the other guy did, come in and split it up, sell it, make his money and go on. That's what seems to be happening in Flathead County. It's an epidemic to her. She was also concerned about increased traffic. She stated just because it's legal to do this and he follows the rules or whatever the criteria is, doesn't make it right. She wasn't trying to tell people what to do with their property she just wants it to maintain the rural country feeling. She spoke about the neighbors signing her petition and stated they were all within two miles of this proposal. She commented that the neighbor who owns the organic farm across the road was the first one to ask her to try to do something about this project as everybody is too busy.

#### BOARD QUESTIONS

Hall asked where her house was located.

Adams pointed it out on the map.

Hall asked where the new house was going in.

Adams showed her on the map and stated he already has the foundation, he has it all framed up, he bought the logs, he has his well and the septic, and he has already logged a bunch of big trees off there.

Mower stated that if he understands her concern, it isn't necessarily that he is going to take the six acre piece and make two pieces out of it, because that doesn't make those lots appreciably smaller, but her concern would be further subdivision of this.

Adams pointed out on the map and stated she is concerned he is gong to take the lots he already has and continue to split them. She doesn't

see an end to what he might subdivide.

## APPLICANT REBUTTAL

Cordi stated as far as the house going in and the approach permit, they got the permit from the road department and also got a septic permit from the environmental health department. That is one existing lot so he can build on that and he followed the rules. He reiterated they do not have a problem with no further subdivision of lots. He commented about the other perk tests, stating they usually dig a bunch of holes around when they do a soil log analysis so they get an idea what soils are in the area.

#### STAFF REBUTTAL

Broadie stated she went out on site and they were digging a foundation and doing approach at that point. She was aware of that. She commented he does have that inherent right as one lot to do that and she was not uncomfortable with the fact they were placing a house there. It sounds like it would be a good idea to put a no further subdivision condition.

#### MOTION TO ACCEPT FINDINGS-OF-FACT

Hickey-Au Claire made a motion seconded by Hall to adopt staff report FPP 08-10 as findings-of-fact.

#### BOARD DISCUSSION

Heim asked for clarification regarding the no further subdivision condition. He asked if there were any way to get around that. He wondered if the applicant could do a family transfer and split it again.

Harris stated who knows down the road if they can't come back and figure out a way to bust the plat. It's about as good as we got.

Cordi commented that you can't do family transfers in platted subdivisions. This would be a platted subdivision and that is state law.

The board discussed the issue of changing demographics and the process for doing so.

Pitman stated there is no suburban agriculture designation and the finding-of-fact should be amended if they approve this proposal.

Cross clarified and pointed out a finding that related to that fact. He said they could add a sentence to that finding stating there are no suburban agricultural designations that are less than five acres.

#### SUBSIDIARY MOTION (Amend FOF #1)

Cross made a motion seconded by DeKort to amend finding-of-fact #1 and change the first sentence to read: While this proposal is more rural in character and thus does not propose urban densities, there are no suburban agricultural designations of less than five acres minimum lot size.

#### BOARD DISCUSSION

Hall asked the board to refer to an illustration regarding lot sizes in the staff report.

The board discussed lot sizes in the area and the fact the area is unzoned.

#### ROLL CALL SUBSIDIARY MOTION (Amend FOF #1)

On a roll call vote the motion passed unanimously.

#### ROLL CALL TO ACCEPT FINDINGS-OF-FACT

On a roll call vote the motion passed unanimously.

#### MOTION TO RECOMMEND APPROVAL

Hickey-Au Claire made a motion seconded by Hall to recommend approval of staff report FPP 08-10 to the Flathead County Commissioners.

## BOARD DISCUSSION

Toavs said if they put the condition regarding no further subdivision; he owns the lot below, could there be any way for the other tract of land to be used for access to a subdivision in the future. Or would he have to use the easement road on the other side to continue to access the property.

Cordi said he does not know if the applicant will retain ownership. He is building a house so he can move in there and sell the other lot. He reiterated he didn't know what the applicants' intentions were.

Toavs asked could he go through the piece of property he still owns above it to get to that piece to subdivide it?

Broadie said he would have to go through the process again.

Harris stated he could boundary line adjust the property if he owns the adjacent lot. When you say no further subdivision of the lot, we are assuming the lot would say 2.3 acres. If he owns the next one, a boundary line adjustment technically could be argued they are not subdividing. The 2.3 acres could end up being an acre. If the applicant does own the adjacent lot and the board wanted to consider a no further subdivision condition, they should also say no boundary line adjustment to make the lot smaller.

Toavs stated he was wondering if he could use the other tract of land to get to the lot for another subdivision.

Staff said yes he could.

Mower said he already has an easement to get to the other piece. There is a road there. He could divide that bottom piece into two pieces and use the same access he has now.

Broadie said there is a road all the way down there, although it's hidden in the trees.

Cross asked Broadie to read the condition relating to the abandoned driveway.

#### SUBSIDIARY MOTION (Add Condition #17)

DeKort made a motion seconded by Hickey-Au Claire to add condition #17 to read: *The current driveway access through the site serving the adjoining southern lot shall be abandoned.* 

#### ROLL CALL SUBSIDIARY MOTION (Add Condition #17)

On a roll call vote the motion passed 7-1 with Hall dissenting.

#### BOARD DISCUSSION

Toavs asked if the board needed to take care of the boundary line adjustment issue.

#### SUBSIDIARY MOTION (Add Condition #18)

DeKort made a motion seconded by Hall to add condition #18 to read: A note shall be placed on the final plat stating no further subdivision or no boundary line adjustment of either lot shall be allowed.

## BOARD DISCUSSION

Toavs asked if the board was able to do that.

Harris said sure what the board would be saying is these lots are marginal in size and they don't want them to be any smaller. They need to make it clear in the record and that is totally appropriate.

Cordi commented he wasn't a lawyer but he didn't know if that was legal because they are affecting a piece of property that is not part of the subdivision.

Mower and Harris said no, just the two lots.

Cordi asked where else he would move the boundary if it isn't to the south. He commented they are actually encumbering the other parcel also.

Cross said potentially you could make a boundary line adjustment between the two parcels.

Mower said he could move the boundary of the right hand lot up and add that into the bottom lot making it six acres instead of five.

Cordi said they are saying the applicant is not allowed to do any

boundary line adjustments between these two lots then you can't move the lot line.

Harris and Broadie said that is exactly what they were saying.

Cordi said now they would be encumbering the other piece of property.

Staff said no.

Mower said it is a separate lot.

Pitman said it shares a common boundary.

Cordi said it really isn't accomplishing a whole lot by putting that in the conditions because when you do a boundary line relocation, if he has two lots there, and you move the boundary line between the two you still only have two lots. We are not going to get three lots. With boundary line relocation, if you start with two lots you are going to end up with two lots.

Mower said yes, but you could get a very small lot though.

Broadie stated what can happen is, you can do a boundary line adjustment and move one or both of those lots to a smaller lot. Then you would have a larger piece to the bottom you can re-subdivide into even more pieces.

Mower agreed.

Cordi commented maybe he was just misunderstanding the wording.

Toavs said he didn't feel Cordi was misunderstanding the wording, he thought Cordi was right. Since there are two tracts of land there, one of the tracts is not involved with the subdivision, but they are the same owner, the board can't do what they want to do.

Broadie said they are not encumbering or restricting the other lot, you are only restricting the boundary line revisions on the subdivision.

Toays said two of those corners attach to the southern lot.

Broadie said he could do a boundary line adjustment with the property to the east, the west or the south.

Cross said potentially if it's going to encumber other land it's going to encumber any other land that is adjacent to it whether it's owned by the same people or not, because they could purchase that land then it would be under common boundaries. They wouldn't be able to boundary line adjust it to the north, south, east or west no matter

what. It's just coincidental that the person that owns it now is the same; actually they don't because it is owned by the wife and they are separate parties.

The board thought this would be a legal matter and the attorneys should figure it out.

Cross felt it was important that it get figured out as he had never, seen language, before tonight, regarding any kinds of restriction on boundary line adjustments. It would be nice to get some feedback from the county attorneys.

Mower stated that on the four acre lot, the larger lot, if he did a boundary line adjustment he could take three acres of that and add it to the bottom lot. That would leave a one acre lot up there in the corner and an eight acre lot on the bottom which circumvents the intent of all of this. We'll get one acre lots or half acre lots where they don't belong.

Heim commented the guy to the west or the east, with 20 acres, could buy the lot and combine it with his and then split it. He asked staff to make sure they take the legal questions to the county attorneys.

Harris said he would.

Heim wondered what would happen if the attorneys ruled the board could not impose the condition.

Jeff said it would go to the county commissioners and not have to go back through the planning board.

ROLL CALL SUBSIDIARY MOTION (Add Condition #18) On a roll call vote the motion passed 7-1 with Toavs dissenting.

SUBSIDIARY MOTION (Add Condition #19)

DeKort made a motion seconded by Heim to add condition #19; the standard variance condition.

ROLL CALL SUBSIDIARY MOTION (Add Condition #19) On a roll call vote the motion passed unanimously.

SUBSIDIARY MOTION (Amend Condition #16) DeKort made a motion seconded by Hickey-Au Claire to amend condition #16 to remove "Exhibit A" and replace it with the language: as shown in the joint access easement diagram.

#### ROLL CALL SUBSIDIARY MOTION (Amnd Condition #16)

On a roll call vote the motion passed unanimously.

#### BOARD DISCUSSION

Hall asked about unique condition #15. She stated she had not seen a 15-foot wide bike and pedestrian easement on other properties along Farm to Market Road. She wondered why it is required for this subdivision.

Cross said typically, every time there is a subdivision that comes forward and it falls on a county road, the board asks for the bike path easement so that over a period of time you end up with that easement and the thought is that eventually you string them together and end up with the easements to construct the bike path.

Cross commented he was going to vote against approval because to him it is setting a precedent for lot sizes that are too small for that area. He felt there were smaller lots around the area but they don't know how they came to be that way.

## ROLL CALL MOTION TO RECOMMEND APPROVAL

On a roll call vote the motion failed 7-1 with Hickey-Au Claire voting to approve.

## SECONDARY MOTION TO RECOMMEND DENIAL

Pitman made a motion seconded by DeKort to recommend **denial** of staff report FPP-08-10 to the Flathead County Commissioners.

## BOARD DISCUSSION

Mower stated he thought the commissioners ought to have where the board stands on this application before they vote for denial. He would vote for denial because he felt the same way Cross did. They are changing the character even though there are some areas that are smaller. The majority of the lots are larger and he thought the intent of the local population was to keep it that way. That's why he would vote for denial.

DeKort said he agreed.

Pitman also agreed stating that when looking at the growth policy and the overall character of that area he thought it should remain that way. He didn't want them to do something like this as he felt it was the same as spot zoning.

Heim said those were his thoughts also. He thought if they were to approve this proposal then they'd be looking at the next five acre one. If in fact the other small lots were created through family transfers

then there hasn't been any subdivision going on out there. He didn't know that for a fact.

## ROLL CALL TO RECOMMEND DENIAL

On a roll call vote the motion passed 6-2 with Hall and Hickey-Au Claire dissenting.

## BOARD DISCUSSION

Cordi asked if the board's denial was based on the findings-of-fact.

Cross stated he felt the amended findings-of-fact to indicate there was no suburban agricultural designation of less than five acres and the fact it did not comply with the growth policy supported the denial. His feeling was that in addition to the findings-of-fact, this proposal was not in keeping with the character of the neighborhood and he viewed that, based on statute, as a public welfare issue.

Cordi made the comment that in an unzoned area what the board was saying was it's a minimum five acres.

Cross said no what he was saying in an unzoned area was that he thought it needed to be keeping with the existing character of the neighborhood and there are a lot of areas unzoned in the county that are virtually urban.

Cordi said he was still confused on how it got to this point because there is a subdivision just to the north.

Harris told Cordi he could come into the office the next day and they would go over it if he would like.

#### **OLD BUSINESS**

Cross spoke about the amendments to the bylaws. The board members had a copy of the changes that were to be proposed.

The board members liked the wording on page 3. Cross stated the changes to page 4 should have its own title, Committees. It would be number 11, Committees.

#### **MOTION**

Pitman made a motion seconded by DeKort to adopt the changes to the bylaws as amended and forward them to the Flathead County Commissioners.

#### **ROLL CALL**

On a roll call vote the motion passed unanimously.

## OLD BUSINESS (Continued)

Harris had a hand-out regarding the Whitefish doughnut area. He stated that staff had been asked by the commission to put together an action plan on what it means to get the area in the doughnut back. The first thing the county needs to do is change the growth policy. They need to change the language from supporting the interlocal

agreement to language that states the county will be taking authority in the interlocal jurisdictional area. We would also need to take out all references to that in the growth policy and change the jurisdictional planning boundaries for the planning board and the commission which is part of the growth policy. That allows us to move forward and start to begin taking back things. The county never relinquished the area that was zoned inside the jurisdictional area. That zoning still exists, it's just that Whitefish came on top of it with their zoning and started administering it. The county backed off of it's zoning per the agreement. So, that zoning stays in place. We need to figure out whether we adopt Whitefish zoning or not. That's the decision that hasn't been made. There are considerations to be made over floodplain administration as well as lakeshore protection, whether there needs to be land use advisory committees and lakeshore protection committees. All of those things need to be discussed and worked through. The handout is essentially what staff's first impression of what it means to have the area back.

The next page showed some of the jurisdictional boundaries. Harris stated it would be a little bit problematic in that Whitefish has annexed property and the boundary is not contiguous; so there is a lot of area that is county, city, county, and these small little areas are sometimes difficult to administer. We'll need to figure out how best to manage that. Big Mountain is in the county. It is a unique beast to us in that it has massive re-development and expansion plans. They have been functioning and building their development plan under Whitefish zoning. We need to figure out if it's a PUD process or whether or not we adopt whatever Whitefish has. They have invested millions of dollars just in the last two years in their expansion development plan. To kick things off on the last page there is an outline. We have already started to work on the growth policy amendments.

Harris discussed possible meeting dates and stated the planning board is to hold the public hearings as it is growth policy related. The commission is looking to staff and the planning board to expedite this process as quickly as we can. However, there are reality checks with our requirements to legally notice.

Cross stated staff had a lot more work to do than the planning board.

Mower asked if we needed a larger venue for the public hearing.

The board members agreed we would need a larger venue to hold the public hearing for this agenda item.

Harris stated the board did not have to act on anything, staff would be meeting with the commission and try to determine how to move forward.

Heim commented there was a tentative schedule for July 9<sup>th</sup> already and wondered should staff shift those items.

Harris said right now they have two items and the growth policy text amendment.

The board members agreed the text amendment should be the only item on the agenda for any given meeting night.

Cross said he received a call from the developer of the Homestead at Whitefish, they are doing a mid-course correction, and he wanted to know if the board would be interested in doing a work-session on site to explain some of the issues they are running into. Cross told him the board had similar requests but declined due to workload more than anything else. Possibly, because it's related to the whole issue of development within the wild land urban interface, there might be some interest.

The board discussed the issues with the proposal and whether or not they would be interested in holding a workshop, open to the public, with the developer and other agencies to answer their questions.

Mower commented it would have to be during the day.

#### **NEW BUSINESS**

Harris said we are doing the Transportation Plan, it's being worked on with staff, and being run through the road advisory committee. Our next step in the process is to assign land use so they can begin to do the modeling to project trip generation and that type of thing. If anybody from the planning board would like to sit in as we go through and make planning assumptions for land use and future land use, you are more than welcome.

Harris reminded the board that next week is the riparian workshop. After that, if the board is ready we will have to schedule the public hearing for that.

Cross said they will see how far they get and figure it out from there.

#### **ADJOURNMENT**

The meeting was adjourned at approximately 11:00 p.m. on a motion by Pitman seconded by Hickey-Au Claire. The next meeting will be held at 6:00 p.m. on June 4, 2008.

Gordon Cross, President	Mary Sevier, Recording Secretary